

REMARKS

This Amendment cancels claim 23, and amends claims 22, 25, 26, 30 and 42. Claim 30 was amended to correct a minor grammatical error. This Amendment further amends the specification and includes proposed drawing corrections to Figs. 1, 8, and 9. The present application currently has claims 22 and 24-42 pending. The Examiner indicated allowable subject matter in claim 42 in the Office Action.

The drawings stand objected to for not including cross hatching for "insulation 34" identified in Fig. 1, and for duplicate use of reference numeral "58". Applicant includes herewith proposed drawing changes to Figs. 1, 8, and 9 for the Examiner's review and approval. The appropriate cross hatching has been added to Fig. 1 and reference numeral "57" has been included in Figs. 1, 8, and 9 to represent "aperture(s)", as set forth in the last paragraph on page 7 of the specification.

The specification also stands objected to for duplicate use of reference numeral "58". Applicant has amended the last paragraph on page 7 of the specification to include reference numeral "57" in place of reference numeral "58". In view of the foregoing changes to the specification and the proposed drawing changes included herewith, Applicant respectfully requests reconsideration of the Examiner's drawing objections and objections to the specification. Replacement drawings for all of Figs. 1-9 also accompany this Amendment, and include the changes indicated previously to Figs. 1, 8 and 9.

Claims 22-42 stand rejected under 35 U.S.C. §112, second paragraph, for the informalities identified in the Office Action. In response, Applicant has amended the claims to overcome the Examiner's indefiniteness rejections. Reconsideration of the Examiner's indefiniteness rejections is respectfully requested.

Claims 22-24 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,683,791 to Rast, Jr. ("Rast"). Claims 22 and 23 also stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,322,060 to Gilbert. Additionally, claims 24-41 stand rejected under 35 U.S.C. §103(a) for obviousness over Gilbert in view of Rast. In view of the amendments and following remarks, Applicant respectfully requests reconsideration of the Examiner's rejections over Gilbert and Rast.

Independent claim 22 was amended herein to generally include the limitations of canceled claim 23. Additionally, independent claim 22 was amended to further set forth

that the combustion chamber has inner and outer side walls spaced from one another to define an insulating zone. The limitations added from cancelled claim 23 generally set forth that the base includes an upper section and a lower section with an air inlet defined between the upper and lower sections to allow air flow into the combustion chamber, and to set forth that the upper and lower sections are spaced from one another to form an air reservoir between the upper and lower sections. Independent claim 22 originally further stated that the combustion chamber includes a dish for combustible material concentrically arranged within the combustion chamber and having side walls which are spaced inwardly from the inner side wall of the combustion chamber so that an annular trough is defined between the side walls of the dish and the inner side wall of the combustion chamber.

Rast discloses a barbecue grill, transverse and longitudinal cross-sectional views of which are shown in Figs. 7 and 8 of this patent. Generally, barbecue unit or grill (10) includes a rectangular housing (11) supported by four legs (82). A support frame (101) is disposed within the housing (11). The support frame (101) supports a pair of drip pans (115, 116) and a pair of fire boxes (120, 121). The support frame (101) forms an open area below the drip pans (115, 116). A bottom wall or base (17) of the housing (11) defines a plurality of apertures (76) allowing air to flow into the open area and upward through the fire boxes (120, 121).

Gilbert discloses a charcoal grill generally including an outer jacket (100) and an inner jacket (75), which is received within the outer jacket (100). The inner jacket (75) is a rectangular structure that is spaced from an inner wall of the outer jacket (100). The inner jacket (75) supports a fire box (40), which has side walls that are spaced from inner walls of the inner jacket (75).

As amended independent claim 22 sets forth, the base of the cooking apparatus includes an upper section and a lower section that define an air inlet to allow air into an internal combustion chamber. The upper and lower sections of the base further define an air reservoir therebetween. Additionally, amended independent claim 22 sets forth that the combustion chamber has an insulating zone formed by inner and outer side walls of the combustion chamber. The foregoing limitations are not taught or suggested by Rast or Gilbert, whether considered individually or in combination.

In particular, both Rast and Gilbert require a singular housing (i.e., housing (11) or outer jacket (100), respectively), and thus do not teach or suggest the limitation set forth in amended independent claim 22, stating that the base includes upper and lower sections (i.e., a two-part base). The outer jacket (100) disclosed by Gilbert includes screen portions (124). However, these screen portions (124) are formed integrally with the outer jacket (100), and do not anticipate or render obvious the two-part base set forth in amended independent claim 22, comprised of an upper section and a lower section.

Further, amended independent claim 22 requires the base upper and lower sections to be spaced from one another to form an air inlet therebetween, which opens to an air reservoir also defined between the upper and lower sections. Since each of Rast and Gilbert disclose a singular housing, these references clearly fail to teach or suggest such an air opening and air reservoir defined between upper and lower portions in the base of a cooking apparatus, as set forth in amended independent claim 22. For this additional reason, the housing structures disclosed by Rast and Gilbert do not anticipate or render obvious the base comprised of upper and lower sections as set forth in amended independent claim 22.

Moreover, Applicant notes that amended independent claim 22 requires the combustion chamber to be formed with inner and outer side walls defining an insulating zone therebetween. Such an insulating zone is not present in Rast or Gilbert cited by the Examiner. The outer jacket (100) disclosed by Gilbert has screen portions (124) formed integrally therewith, permitting air flow into the interior of the outer jacket. Such a configuration would not define a "insulating zone" between the outer jacket (100) and inner jacket (75), as set forth in amended independent claim 22. As the Examiner will note in Figs. 8 and 9 of Rast, the opposing ends of the barbecue grill disclosed by this reference are completely open-ended, and in no way form an insulating zone between inner and outer side walls of a combustion chamber as set forth in amended independent claim 22. In fact, neither Rast nor Gilbert in any way teaches or suggests the "insulating zone" set forth in amended independent claim 22.

For all the foregoing reasons, Applicant respectfully submits that amended independent claim 22 distinguishes over Rast and Gilbert whether considered individually or in combination. The remaining claims, claims 24-42, depend directly or indirectly from and add further limitations to amended independent claim 22, and distinguish over Rast and

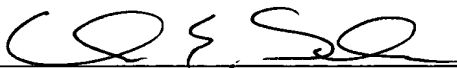
Application No. 10/089,247
Paper Dated: March 5, 2004
In Reply to USPTO Correspondence of November 7, 2003
Attorney Docket No. 1918-020512

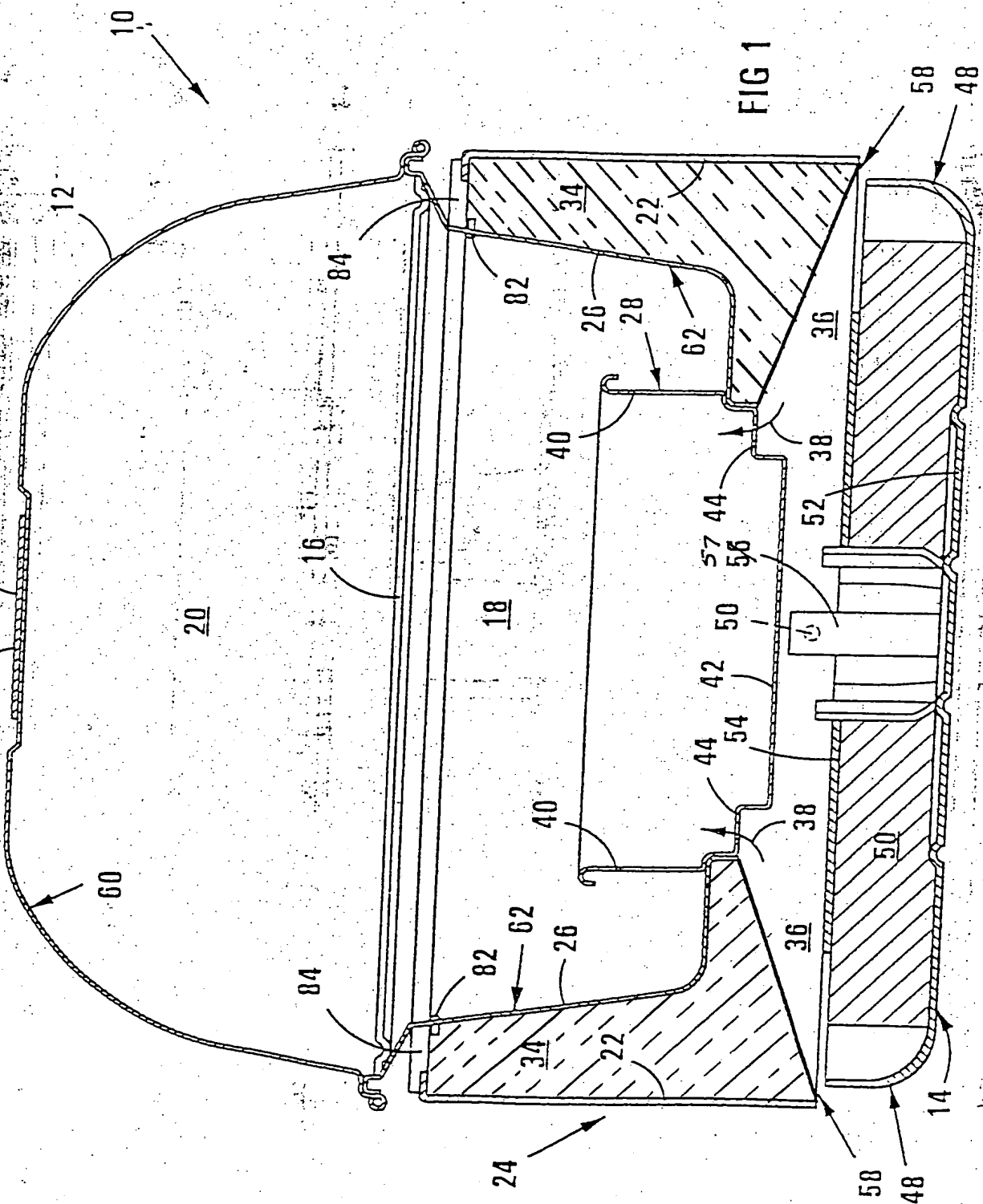
Gilbert for all the reasons discussed previously. Reconsideration of the Examiner's rejection of pending claims 22 and 24-42 over the cited references is respectfully requested.

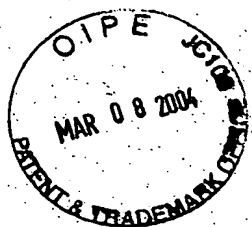
Favorable action on this amendment and early allowance of this application are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 
Christian E. Schuster
Registration No. 43,908
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094





"Cooking Apparatus"
Inventor: Kenneth Michael Hall
Application No. 10/089,247
Annotated Sheet Showing Changes

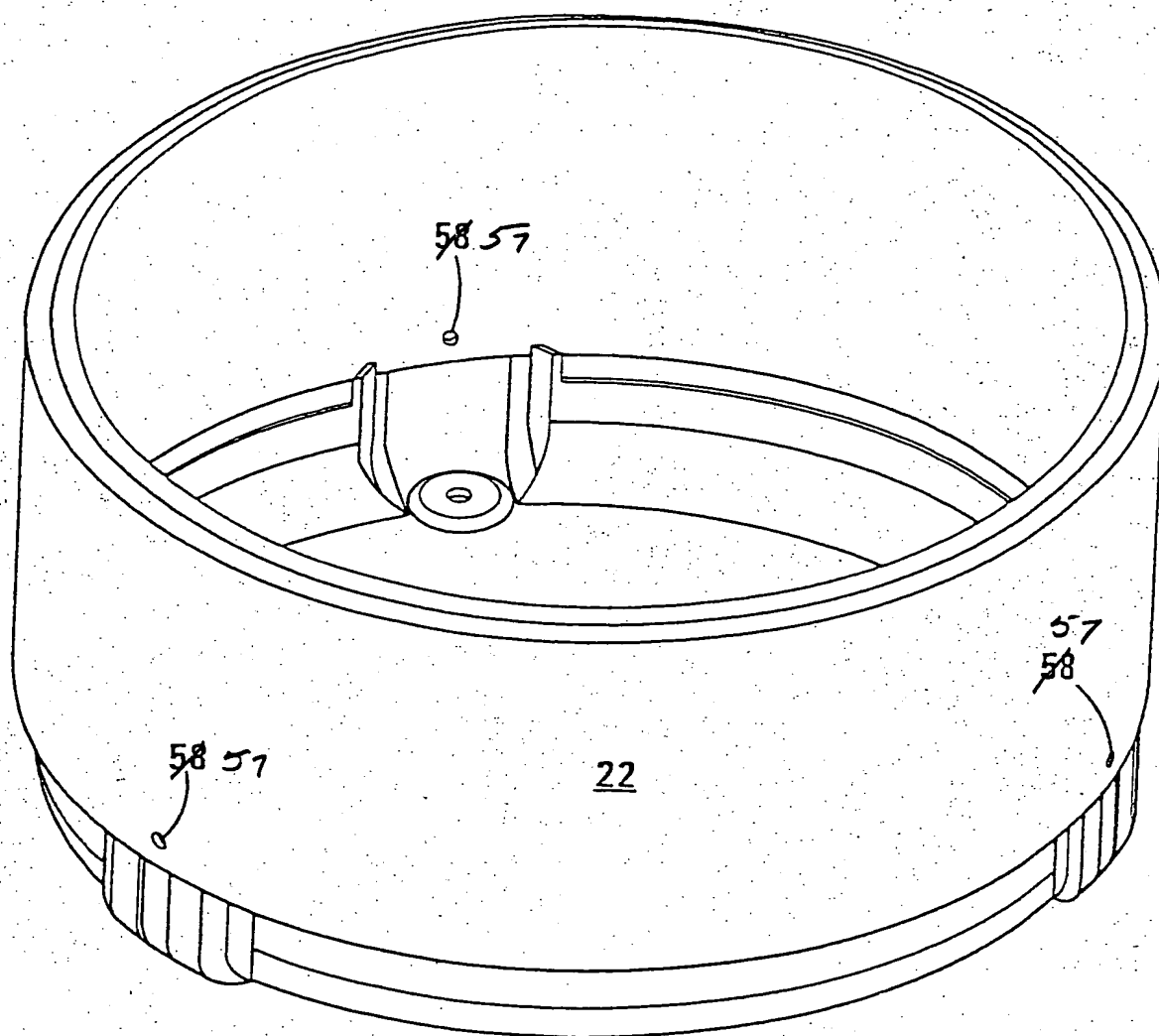


FIG 8



"Cooking Apparatus"
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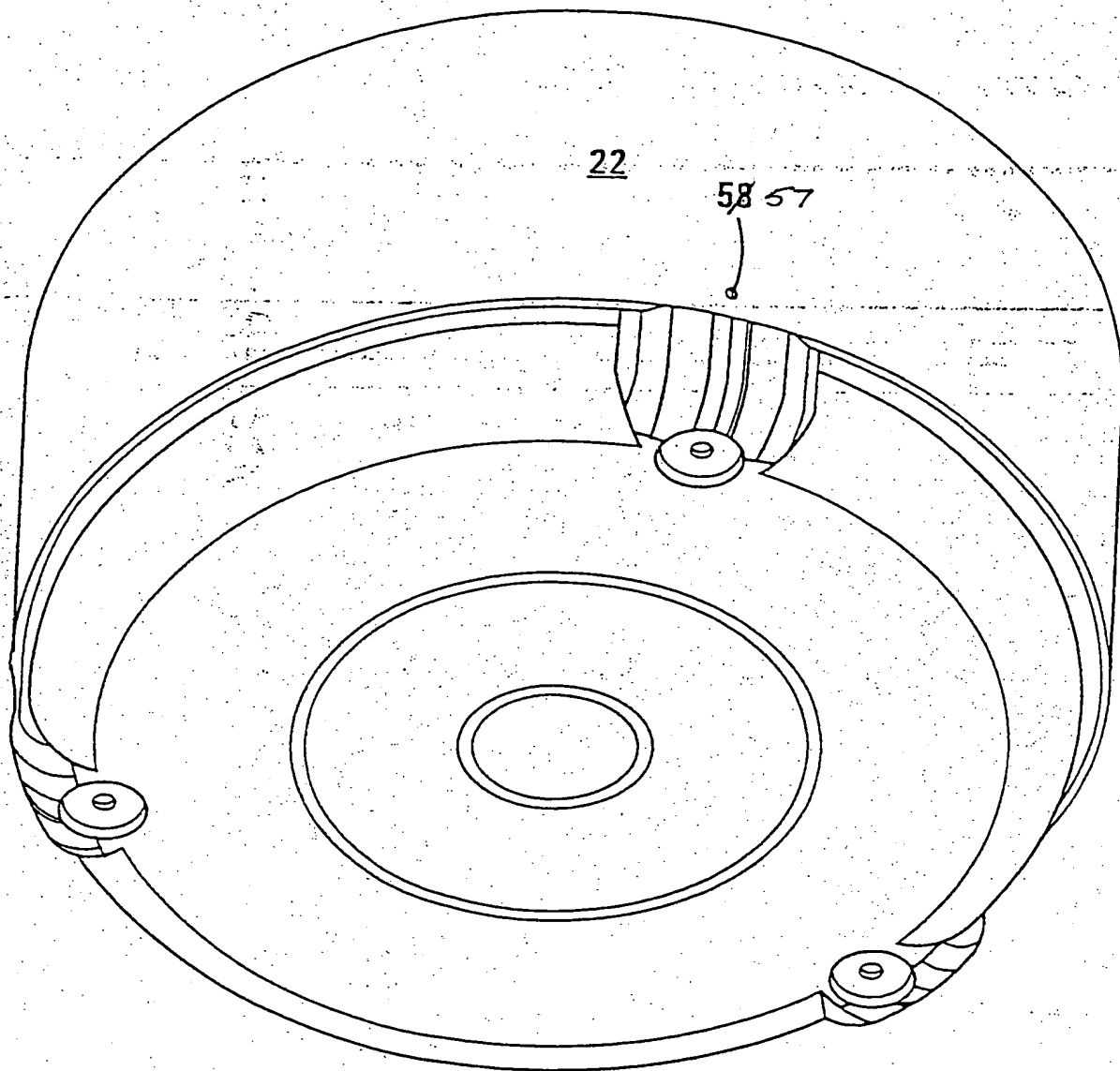


FIG 9